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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,239	08/27/2003	Won-Uk Yu	P69094US0	3745
22429 7590 01/24/2008 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER BECKER, SHASHI KAMALA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,239

Applicant(s)

YU, WON-UK

Examiner

Shashi K. Becker

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-13, 18, 20-22 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-13, 18, 20-22 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/22/07 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 10-13, 18, 20-22, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (hereinafter Huang) US 2004/0070605 in view of Bushey US 2003/0217186.

- In regards to claims 1 and 18, Huang teaches a method for controlling a network, comprising the steps of: determining whether a new control menu exists by accessing the Internet according to a set period, wherein the control menu is associated with a piece of equipment in the network (page 2 and 3, paragraph [0022], [0025] and [0026]); if the new control menu exists, performing a first

download of downloading the new control menu; adding the downloaded new control menu to a corresponding control menu list (page 2, paragraph [0023]-[0024], the available list of new content); and performing a second download of one or more downloading corresponding new control programs using the added new control menu (page 2, paragraph [0023]-[0024], selecting the new content desired), . However, Huang does not specifically teach a home network.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches a home network (page 4 paragraphs [0026] and [0027]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Huang to include the teachings of Bushey in order to provide updates to home network appliances. One would have been motivated to make such a combination in order to update home network appliance menus and programs efficiently.

- In regards to claim 2, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches wherein determining whether a new control menu exists further comprises determining if the new control menu is not contained in a current corresponding control menu list (page 3 paragraph [0025]).
- In regards to claim 3, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches wherein determining whether a new control menu exists further comprises determining if the new control menu is an upgraded version of the current control menu (page 3 paragraph [0025]).

- In regards to claim 4, Huang teaches the limitations above (see claims 1 and 18).

Huang further teaches wherein performing a second download of one or more corresponding control programs further comprises selecting a new item corresponding to a new control program from the added new control menu to initiate the second download control program is downloaded when a user selects the added new control (page 2 paragraphs [0022]-[0024]).

- In regards to claim 5, Huang teaches the limitations above (see claims 1 and 18).

However Huang does not specifically teach wherein performing a second download comprises selecting an auto mode to automatically initiate the second download of one or more new control programs associated with the added new control menu.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches wherein performing a second download comprises selecting an auto mode to automatically initiate the second download of one or more new control programs associated with the added new control menu (page 4 paragraphs [0026] and [0028]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Huang to include the teachings of Bushey in order to provide updates to home network appliances. One would have been motivated to make such a combination in order to update home network appliance menus and programs automatically.

- In regards to claim 6, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches further comprising storing the one or more downloaded control program after the second download (page 3 paragraph [0025]).
- In regards to claims 10 and 20, Huang teaches a method for controlling a network, comprising the steps of: determining whether one or more new control menus exist by accessing the Internet according to a set period, wherein each control menu is associated with a piece of equipment in the network (page 2 and 3, paragraph [0022], [0025] and [0026]); if one or more new control menus exist, performing a first download of the one or more new control menus; adding the one or more downloaded new control menus to one or more corresponding control menu lists (page 2, paragraph [0023]-[0024], the available list of new content); performing a second download of one or more corresponding new control programs using an added new control menu; providing the one or more downloaded new control menus (page 2, paragraph [0023]-[0024]), selecting the new content desired) to the corresponding pieces of equipment (page 3 paragraph [0027] and [0028]). However, Huang does not specifically teach a home network.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches a home network (page 4 paragraphs [0026] and [0027]). It would have been obvious for the reasons stated above (see claims 1 and 18).

- In regards to claims 11 and 21, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches wherein the method is performed by each piece of equipment in the network (page 3 paragraph [0027] and [0028]).

However, Huang does not specifically teach a home network.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches a home network (page 4 paragraphs [0026] and [0027]). It would have been obvious for the reasons stated above (see claims 1 ad 18).

- In regards to claims 12 and 22, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches further comprising allowing each piece of equipment in the network to access each control menu list associated with a corresponding piece of equipment in the network (page 3 paragraph [0027] and [0028]). However, Huang does not specifically teach a home network.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches a home network (page 4 paragraphs [0026] and [0027]). It would have been obvious for the reasons stated above (see claims 1 ad 18).

- In regards to claim 13, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches further comprising storing the one or more downloaded new control programs in memory associated with a piece of equipment that performed the first and second downloads prior to providing the one or more downloaded new control programs to the corresponding pieces of

equipment that implement the new control program (page 3 paragraphs [0025]-0029]).

- In regards to claims 26 and 27, Huang teaches a network apparatus, the network apparatus including the Internet network and a network receiving information through the Internet network, the network apparatus comprising: a power line for supplying communication signals, control signals and power source; a plurality of equipment connected to the power line and having the Internet function (page 3 paragraphs [0027]-[0029]) and an on-screen function that provides display of a control menu list including one or more control menus, wherein the plurality of equipment are operable to perform a first download of a new control menu from the Internet based on a determination, occurring at a set period (page 2, paragraph [0023]-[0024], the available list of new content), of a new control menu existing at the Internet and perform a second download operation of one or more corresponding new control programs using the added new control menu a menu manager operable to store the control menu lists, register the downloaded control menu as a new control menu item into the control menu list, and provide the control menu lists to the respective pieces of equipment by request, wherein the plurality of equipment is further operable to download through the Internet network the control programs for other pieces of equipment in the home network in addition to their own control programs (page 2, paragraph [0023]-[0024]). However, Huang does not specifically teach a home network.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches a home network (page 4 paragraphs [0026] and [0027]). It would have been obvious for the reasons stated above (see claims 1 and 18).

- In regards to claim 28, Huang teaches the limitations above (see claims 1 and 18). Huang further teaches wherein the menu manager is further operable to manage the control menu lists for the pieces of equipment equipments (page 3 paragraphs [0025] and [026] and [0029]). However, Huang does not specifically teach sharing of the control menu lists.

Bushey teaches an apparatus for and method of seamless wireless multimedia download path to peer networked appliances. Bushey further teaches sharing of the control menu lists (page 4 paragraphs [0027] and [028]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Huang to include the teachings of Bushey in order to the sharing of control menu lists. One would have been motivated to make such a combination in order to share control menus lists between the devices of the home network for peer to peer communication (page 4 paragraph [0028]).

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

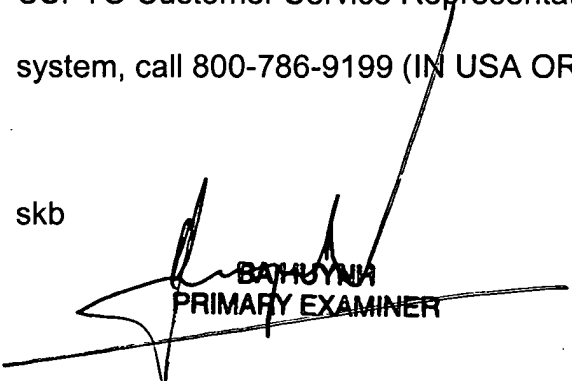
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

skb


BATHUYNH
PRIMARY EXAMINER